

Premises Liability

SERVICES

Premises Liability

RELATED ATTORNEYS

Kevin R. Kratzer

Timothy R. Scannell

August 24, 2018

Attorneys Kevin Kratzer and Timothy Scannell recently obtained judgment as a matter of law in favor of their client in an action filed in Danbury Superior Court in Connecticut. Our client, the owner and landlord of the subject commercial property, also owned the company, which leased the subject property from our client for the purposes of operating a commercial enterprise. Although the entities representing the landlord and tenant in this case were comprised of the same individuals, the entities themselves were legally separate and distinct.

The plaintiff, an employee of the commercial enterprise, was working on the subject property when he slipped and fell down a stairway. The plaintiff alleged that he slipped on wet leaves that had accumulated on the stairway, which the landlord had negligently maintained. As a result of the fall, the plaintiff sustained a herniated disc in his lumbar spine, which required fusion surgery. The plaintiff claimed that he was completely disabled from working ever again, and demanded \$1,200,000.00 in compensation for his injuries.

Boyle | Shaughnessy Law argued that the lease agreement between the commercial landlord and tenant placed all responsibility for the maintenance of the property on the tenant, who was also the plaintiff's employer, and thereby immune from liability under Connecticut's Worker's Compensation Act. As noted, the case was complicated by the fact that the same people owned the separate legal entities involved, which meant that the legal rights and duties divided within the lease agreement applied to and against the same individuals.

Ultimately, the Court agreed with our argument that the commercial landlord had no duty to maintain the subject area pursuant to the lease agreement, which transferred all control over the property to the commercial tenant. The Court further agreed that the fact that the lease transferred control to and from the very same individuals was inconsequential to the determination that the defendant had no liability.